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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 994,563	11 27 2001	John A. Rouse	00251/TL	8734

1933 7590 03 20 2003

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EXAMINER

EL SHAMMAA, MARY A

ART UNIT	PAPER NUMBER
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2881

DATE MAILED: 03/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/994,563

Applicant(s)

ROUSE ET AL.

Examiner

Mary A. El-Shammaa

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-4, 7-10, 13-16, 19-22, 25-28, 30, and 31 is/are rejected.
- 7) ☒ Claim(s) 5-6, 11-12, 17-18, 23-24, 29, and 32-34 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11-27-01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2881

Claims 1-4, 7-10, 13-16, 19-22, 25-28, 30, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin (5,369,279).

Regarding claims 1-4, 7-10, 15, 16, 19-22, 26-28, 30, and 31, Martin discloses in FIGS 5-7 an apparatus and method for utilizing a focused beam of charged particles, comprising a means for producing a beam of charged particles (**1**) directed towards a target along a beam axis, means for controlling the beam (**5**, **6**, and **8**) to form an envelope (shown in Figures) having at least one crossover point (**21**, **23**), and a Wien filter (**22**) through which the beam passes, wherein the crossover point is positioned within the filter substantially on the beam axis near the mid-point of a given axial distance (shown in Figures, particularly in FIG. 6) (Col. 2, Lines 36-68, Col. 3, Lines 23-52, Col. 4, Lines 30-56, Col. 6, Lines 30-68, Col. 7, Lines 14-36, Col. 8, Lines 6-55).

Regarding claims 13, 14, and 25, Martin discloses in FIGS 5-7 an apparatus utilizing focused beams of charged particles comprising a particle source (**1**) directing a beam of particles to travel from the source to a target and forming a beam envelope (shown in Figures), a Wien filter (**22**) and an aperture (**12**), both of which the beam passes through, an objective lens (**27**) located between the filter and the target, and at least one deflector (**8**) comprising at least one lens (**5**, **6**) between the source and the filter producing a beam crossover point (**21**) within the filter (Col. 2, Lines 36-68, Col. 3, Lines 23-52, Col. 4, Lines 30-56, Col. 6, Lines 1-68, Col. 7, Lines 14-36, Col. 8, Lines 6-55).

Allowable Subject Matter

Claims 5, 6, 11, 12, 17, 18, 23, 24, 29, and 32-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of

Art Unit: 2881

the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to teach or fairly suggest the crossover point being located within a vertically lower half of an axial distance and having a second crossover point located between the beam producing means and the filter.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (5,422,486), (6,150,657), (EP 817,235 A1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary A. El-Shammaa whose telephone number is 703.308.0851. The examiner can normally be reached on M-F (8:30am-5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Lee can be reached on 703.308.4116. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9318 for regular communications and 703.872.9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.872.9317.

mae
March 11, 2003


JOHN R. LEE
SUPERVISOR, PATENT EXAMINER
TECHNICAL CENTER